

the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator VOINOVICH, 30 minutes; Senator DURBIN, or his designee, 30 minutes; Senator ROBERTS, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that following morning business, the Senate begin consideration of S. 1233, the agricultural appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, on Monday, the Senate will convene at 12 noon and be in a period for morning business until 1 p.m. Following morning business, the Senate will immediately proceed to the agriculture appropriations bill, with amendments expected to be offered. Also, amendments to the State Department authorization bill could be debated on Monday in an attempt to complete action on that legislation. Therefore, Senators can expect multiple votes on Monday at 5:30 p.m. on amendments to the agriculture appropriations bill and/or the State Department authorization bill.

#### ORDER FOR ADJOURNMENT

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be recognized in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

#### GUN CONTROL

Mr. DURBIN. Mr. President, during the course of this week we have come to the Senate floor many times to discuss pending legislation of great importance to families across America.

Last night—I guess this morning, in the early morning hours—the House of Representatives failed to pass the gun control legislation which the Senate enacted 3 weeks ago.

You may remember that Vice President GORE came to the floor, cast the deciding vote, broke the tie, and we passed a bill which would try to close the loopholes for the sales of firearms at so-called gun shows, trying to find a way—any way we can—to reduce the likelihood that guns will get into the hands of children and criminals.

America's heart was broken by Littleton, CO. Families across America, who may have heard these numbing statistics about 13 children a day dying, finally realized it could happen there—it could happen in Littleton, CO, in Conyers, GA, in Jonesboro, AR, in Pearl, MS, West Paducah, KY, Springfield, OR, or in Springfield, IL, my hometown. It could happen anywhere.

Guns are just too easy to come by in America. Troubled kids, who are always a problem, become tragedies when they take these guns into the classrooms, killing their classmates and teachers.

So we passed legislation, good legislation, bipartisan legislation, and sent it to the House of Representatives. Frankly, they decided, because of the political heat that might be generated, to call for a vote in the middle of the night, at 1:15 in the morning, to ask the House of Representatives to go on the Record, because the leadership in the House thought Americans would not notice it if it happened in the middle of the night. The National Rifle Association did not think Americans would care. They are both wrong.

America understands what happened in the dark of night. There was a shot in the dark, and it hit American families right where they live—families who worry about whether sending their kids to school anymore is a safe thing to do, families who wonder, when they say good-bye to their child in the morning, if those are the last words they will ever share with their child.

That is where we are in America. That is where gun violence has brought us. But this is not a fatal shot on the American families. They have, I guess, the hope and the confidence that this Congress will come to its senses and once and for all say no to these gun lobbies and yes to safety in our schools.

The big debate in the House was whether or not we ought to post the Ten Commandments in schools. Let me go on the Record and say I support values for families. I support strengthening families. I believe that those families who believe, as my family did, that the practice of religion is an important part of values, those families should be encouraged in every way whatsoever. We should make sure our kids grow up with values. But it is so naive to believe that simply posting the Ten Commandments in schools is going to change the climate in America.

Perhaps, though, we could post the Ten Commandments at the gun shows and underline the Commandment that

says: Thou shalt not kill, saying to people who want to buy and sell these guns without any background checks, accept your moral responsibility for what is about to occur.

The Illinois State Police did a survey of the crime guns they had confiscated recently and found over 25 percent of them came out of these gun shows, sold to people who, frankly, face no background check whatsoever.

We tried to close that loophole in the Senate; the House has failed. We cannot leave this issue alone.

#### THE PATIENTS' BILL OF RIGHTS

Mr. DURBIN. But there is another issue that haunts American families beyond the violence in our schools and beyond the question of gun safety. It is the issue of health insurance.

Mr. President, 115 million Americans, when asked, said that either they personally or a member of their family had run into serious problems when it came to health insurance and health insurance companies.

I started speaking on the floor about this issue just this week, and I have started getting letters from my State of Illinois and across the country. People said: Yes, you are right. Let me read you two of these letters to give you an idea.

Here is one that comes from Raymond and Marianne Eberhardt. These are folks who, frankly, could be any of us. They write:

Enclosed is a picture of Theresa, needless to say she is a very beautiful child. She was hospitalized from September 2, 1998 to February 15, 1999 due to fighting the insurance company for certain provisions we could not do without in our home. Her daddy is a police officer and [her] mommy stays at home.

She most likely would not have had to be vented—

She is on a ventilator.

if she were able to leave when the doctors had said she could go. However, we had to fight and fight with the insurance company for things that the doctors had said were needed. So we fought for 2½ months.

Can you imagine, as parents, fighting to keep this lovely little girl alive, getting up every morning and saying a prayer that she will survive, and then getting on the telephone to fight with the insurance company for the basics that the doctors say she needs to continue living? Their battle went on for 2½ months. She writes:

We eventually did get everything that we needed, except it was a very long battle. Can you imagine having your family separated that long because the insurance company did not want to help? Seven months is a long time for a family to have to go through something like this. Theresa caught RSV in the hospital—

This is a malady which clearly is very serious.

while we were waiting for the appeals to go through.

That is, with the insurance company.

That is why she is now vented and has a trach. Theresa copes extremely well with what all has been done to her. It does not

fade her in the least. She has Spinal Muscular Atrophy Type 1. She is very strong willed and is a joy to be around. I hope something can be done in regards to insurance companies helping families more and be a little more compassionate. I know in my heart we would have lost her if we did not get the proper equipment. I am thankful to them that they eventually changed their minds. I just wish it did not have to take so long.

As a parent, I have sat in a waiting room at the hospital with my daughter in surgery. My wife and I have been through that several times. You will never in your life feel as helpless as that moment. You will never feel as vulnerable. You pray to God that everything turns out right. You hope those doctors and nurses and technicians who are in that operating room are the best and the brightest that could possibly be there. But you don't want to sit there and have to worry about whether you are going to have to fight with an insurance company over whether or not that surgery will go forward or whether, when that surgery is finished, your child receives the kind of treatment that is essential.

Here is another letter we received:

This letter is to introduce you to our precious angel child Roberto Antonio Cortes. He is 11 months old now and is so special to us. He was diagnosed with Spinal Muscular Atrophy Type I, the Werdnig Hoffman disease. He is currently on a home ventilator.

My husband, Rigo, is self-employed at this time and doing contract work out of our house.

They indicated they would be more than happy to talk to our office about the battles they have faced with insurance companies.

Here is another letter from Addison, IL, Dolores Pavletich:

Dear Senator DURBIN,

Just a note to thank you for taking a stand on Health Care Issues.

Last night when I returned home from work and turned on TV, I caught part of C-Span where you, Senator KENNEDY, Senator SCHUMER, Senator DASCHLE [and Senator BOXER] were asking to negotiate the Health Care Issues. When you spoke, you addressed all the issues so many of us are concerned with. I have recently had such bad experiences with Insurance Companies. I started by choosing a doctor from a book, being treated by him, and half way through treatment was told the doctor was dropped [by the insurance company] and I would have to change doctors or they would not pay [for it.] I did not think it was fair to stop treatment and start over with another doctor. I then chose a doctor only to find out that the hospital he was on staff was not [covered by my insurance company] therefore, any tests or blood workup could not be done at his hospital. Blood tests would have to be sent to a lab, and if I had to be admitted to a hospital, I would have to choose yet another doctor.

I am a 57 year old woman, on my own, and now find that the company I work for is down sizing and my job may be eliminated soon. I cannot retire yet, am not eligible for medicare and with only unemployment cannot afford Cobra [Insurance] because of it being so expensive [and I do not know if I can afford it.]

I am so interested in the Health Care Issue I would do anything to help make life easier for so many people. If there is anything I can

contribute towards this issue I would gladly devote as much time as possible to assure everyone the right to choose [their doctor, their insurance company.] I wish I could speak to you in person to tell you what people are being faced with today.

Please continue to speak for the majority of people in this country. We've chosen you to do what you do best and we look forward to you to speak for us.

That is why I am here on this floor. We have a choice. We have a thing that we can do that can make a difference. There is a Patients' Bill of Rights the Democrats have introduced, which has been endorsed by over 200 major health organizations, which will finally step forward and stand up for consumers and stand up for families and say we are going to address the basics. We are going to make sure you can choose the specialist you need. We are going to make sure when you sit down in the office with the doctor that you get straight talk and honest answers. You aren't going to hear a doctor parrot some insurance company line instead of telling you the truth about your medical care and what you need.

We want to make certain that when you go to an emergency room, you go to the one you need for your family because of medical necessity. You don't fumble through the dashboard looking for the health insurance policy to figure out which hospital you can go to without paying for it out of your pocket.

These are the basics, to make sure that the women across America who trust their medical care to an OB/GYN can continue to pick that doctor they trust, the doctor they have confidence in, and not be told by the insurance company to pick up and move; to make certain that doctors, when they say surgery is necessary, won't be overruled by some clerk sitting in an insurance company office in Omaha, NE. The decision should be made by our doctors, not by insurance company clerks.

This debate is central to really giving peace of mind to families across America. Why haven't we debated it for over 2 years? Because the insurance companies do not want this issue to come to the floor of the Senate. They do not want to face the votes which we would call for on the floor of the Senate.

The Patients' Bill of Rights that the Democrats support is a bill which gives to those who are providing health care fair treatment. Right now if something happens that is wrong in medical treatment, who gets sued? The doctors and the hospitals. But what if the insurance company made the wrong decision? Under the law, they are protected. The current law protects them. They can't be held accountable. Is that fair? Is that American? I don't believe it is. We are each held accountable for our actions, as every business is held accountable. There is no reason why health insurance companies should be exempt from that responsibility.

Here is what faces us: Will we, in the closing weeks before we break for the

Fourth of July or our August recess, have the political courage to bring this issue to the floor? We spent 5 days debating giving protection to computer companies against being sued for Y2K problems, 5 days. We were worried about computer companies. Well, maybe we should be. But can't we spend 5 hours on this debate to stand up for families across America who want protection when it comes to the health care that means so much?

Look at these photographs. Imagine what life is like battling every single day with the insurance company and then praying to God, as you go to sleep at night, that this beautiful little baby will be alive in the morning. That is the reality of health care in America.

I challenge the Republican leadership, challenge them to bring to the floor of the Senate within the next week the Patients' Bill of Rights. Let us have this debate. Let us face the tough votes. That is what we are here for, for goodness' sake. This is supposed to be a deliberative body where we debate and argue and come to the best conclusion for the people we represent.

I will stand behind the Democratic Patients' Bill of Rights, because I believe it is the best one. I believe it is the only one that is honest and complete and will help American families. The Republican plan, as this chart indicates, would leave over 100 million Americans behind, would not give them the protections which we believe are essential to health insurance.

It is true they protect 48 million Americans, just as we do, but they leave behind 113 million who are protected by the Democratic bill.

I think it is time to have this debate, for the good of families across America, for the Pavletichs in Addison, IL, for the Cortez family from Elk Grove Village, for the Eberhardts, who have written to me and told me their story, from Yorkville, IL.

I promise you this: As long as my voice holds out, I will be on my feet on the Senate floor saying to my colleagues, we have a responsibility. The 105th Congress left town a little over 6 months ago and did nothing. It was a do-nothing Congress. This Congress is not going to leave town without addressing this critical issue, this issue that means so much to Americans across this country and people who continue to write on a daily basis.

I will close by saying this: Keep the letters and photographs coming in. As long as you will send me your stories of your family struggling to provide quality health care, I will continue to stand on this floor and tell these stories, in the hopes that my colleagues in the Senate will address this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to continue as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PATIENTS' BILL OF RIGHTS

Mr. LEAHY. Mr. President, I wish to commend the distinguished senior Senator from Illinois for his statement. The Senator from Illinois represents one of the greatest States of our country, a significant and very large State, with millions of people, ranging from one of the best known, most dynamic cities not only in this country but in the world, and also with very small rural areas. I, in turn, represent a very small State, where the largest city is 40,000 people. We go down to a town of 40 people. But I couldn't help but think, while listening to the statement of my good friend from Illinois, about some of the letters he read. The names of the towns might be different, but we might have heard similar letters from Vermont. Sometimes the problems are compounded by the fact that we are a rural State. As he knows, in the rural areas of his great State the problems are even worse because of the distances they have to travel and the lack of choices they may have. I hope he will continue to speak because he speaks not just for the people of Illinois, but for the people of Vermont and everywhere else.

#### THE POWERFUL GUN LOBBY

Mr. LEAHY. Mr. President, while we talk about the actions in the other body, it is fascinating to me what has happened in the dark of night. The members of the other body aren't controlling their destiny; it apparently was controlled by a powerful lobby in this country. For a while, the same thing happened in the U.S. Senate. I asked the question on the floor of the Senate: "Who will run the Senate, the U.S. Senators or the powerful gun lobby?" Finally, by the slimmest of margins, they answered the question and said that the U.S. Senate will represent the people of America.

I have watched how posturing and symbolism sometimes wins out over substance. Members of the other body are all sworn to uphold the Constitution of the United States. They have taken the same oath that I and every Member of the Senate have taken. They flew in the face of the Constitution, a Supreme Court decision outlined in the Constitution, and said that we, the Members of the Congress, will say the 10 commandments shall be or may be put on schoolhouse walls.

Why did the House of Representatives do this and turn against the Constitution that they are sworn to uphold? Why? So that the students seeing it would be inspired to uphold the law. That's fascinating. We say that the other body will—the House of Representatives—will turn its back on the Constitution, and in so doing will encourage children who should look to them for leadership to uphold the laws

of this country. It is an example that I cannot fathom. This is what they ought to do—work harder and make it possible for the parents of these children to spend more time with them, make it possible to have an educational system that can help teach the difference between right and wrong. Perhaps, if they are going to talk about the 10 commandments, they should remind the gun lobby of the fifth commandment: Thou shalt not kill.

#### PENDING NOMINATION OF BILL LANN LEE

Mr. LEAHY. Mr. President, on Wednesday of this week, I was fortunate to be present during the ceremony commemorating the presentation of the Congressional Gold Medal to Mrs. Rosa Parks. What an inspiring time. I heard Mrs. Parks, Reverend Jackson, and the President each take the occasion to remind us that the struggle for equality is not over.

I heard Jesse Norman, with that incomparable voice, sing to us both our National Anthem and really the anthem of the civil rights movement. Every one of us—black or white, old or young, man or woman, Republican or Democrat, were inspired by what we saw and heard. How could you not be inspired in the magnificent rotunda of the U.S. Capitol?

But then I went back to my office and I started asking myself, have we listened? I serve as the ranking Member of the Senate Judiciary Committee, and the committee still has pending before it, waiting, the nomination of another who has dedicated his life's work to the rights of others. I asked the Judiciary Committee on Thursday, in the spirit of the Congressional Gold Medal to Rosa Parks, and in the tradition of Rosa Parks, that the committee recognize the quiet dignity and strength of Bill Lann Lee and send his nomination to the full Senate so that the U.S. Senate may, at long last, vote on that nomination and, I hope, confirm this fine American to full rank as the Assistant Attorney General for Civil Rights.

Bill Lann Lee is the first Asian American to be nominated to head the Civil Rights Division in its 42-year history. He is currently serving as Acting Assistant Attorney General for Civil Rights, as he has for almost 18 months. He has done an impressive job in enforcing our Nation's civil rights laws. Mr. Lee was originally nominated in July of 1997, almost exactly 2 years ago. Two years is too long to have to wait for a vote by the Senate on this nomination. I hope the Senate will be allowed the opportunity to vote on his nomination before the Fourth of July recess.

Six former Assistant Attorneys General for Civil Rights, from the Eisenhower administration through the Bush administration, wrote the Judiciary Committee in November of 1997 in

support of this outstanding nominee: Harold Tyler, Burke Marshall, Stephen J. Pollak, J. Stanley Pottinger, Drew Days, and John R. Dunne. Nonetheless, the Senate did not vote, and Mr. Lee had to be renominated again in January of 1998 and, again, in March of 1999.

It is past time to do the right thing, the honorable thing, and report this qualified nominee to the Senate so the Senate may fulfill its constitutional duty under the advise and consent clause and vote on this nomination. In deference to the advise and consent power of the Senate, the President has not used his recess appointment power in connection with this nomination.

After consultation with the Senate in late 1997, the President chose to renominate Mr. Lee in January 1998. The Attorney General named him Acting Assistant Attorney General. When the Senate refused all last year to consider the nomination—not to vote him up or down, or not to even vote at all—the President sent that nomination to the Senate for a third time in a third succeeding year, in 1999. Now, no one can fairly contend that the Senate has not been respected. The President has gone the extra mile, and Mr. Lee has shown extraordinary patience during this extended period of Senate indifference to his nomination.

Acting Assistant Attorney General Lee is properly serving while his nomination remains pending. It is the responsibility of the Senate to vote on that nomination. I believe that in a fair and open vote on the merits of this nomination on the Senate floor, the Senate will embrace the opportunity to confirm this fine person, this dedicated public servant. They will confirm him.

If I am wrong, if the Senate were to disappoint me and all those who support this nomination, and if a majority of the Senate were to vote against the nomination, and then he could not continue to serve as Acting Assistant Attorney General—that is a mechanism Congress established by law, but it properly relies on a vote by the U.S. Senate.

Civil rights is about human dignity and opportunity. Bill Lann Lee's nomination ought to have the opportunity for an up-or-down vote on the Senate floor. Twenty-three months and 3 sessions of Congress is too long for this nomination to have to wait. He should no longer be forced to ride in the "back of the nominations bus," but be given the fair vote he deserves.

When Bill Lee appeared before our committee way back in 1997, he testified candidly about his views, his work and his values. He told us why he became a person who has dedicated his life to equal justice for all, specially when he talked about the treatment his parents received as immigrants. He told us how his parents faced prejudice almost every day here in this country. But Mr. Lee told us how, in spite of his father's personal treatment, the experience of prejudice he faced, the names he was called, and the slurs he had to